

United States Court of Appeals
For the Eighth Circuit

No. 17-2220

United States of America

Plaintiff - Appellee

v.

Alvaro Rodrigo Cuellar Aguilar

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota - St. Paul

Submitted: February 13, 2018

Filed: April 3, 2018

[Unpublished]

Before LOKEN, KELLY, and ERICKSON, Circuit Judges.

PER CURIAM.

Alvaro Aguilar directly appeals the within-Guidelines-range sentence the district court¹ imposed after he pled guilty to a drug offense, pursuant to a written plea

¹The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota.

agreement containing an appeal waiver. His counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the appeal waiver is unenforceable, but conceding that there are no non-frivolous arguments for appeal. Counsel has also moved for leave to withdraw.

Upon careful review, we decline to enforce the appeal waiver. See United States v. Boneshirt, 662 F.3d 509, 515-16 (8th Cir. 2011). Having independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no non-frivolous issues for appeal. Accordingly, we grant counsel leave to withdraw, and we affirm.
